REMARKS

Claims 40-71 are currently pending in the instant application. The Examiner has rejected claims 40, 45-50, 57-62, and 67-71 under 35 USC 103(a) as being allegedly unpatentable over U.S. Patent No. 5,109,337 to Ferriter et al (Ferriter) in view of U.S. Patent No. 6,493,685 to Ensel et al (Ensel). In addition, the Examiner has rejected claims 41-44, 51-56, and 63-66 under 35 USC 103(a) as allegedly being unpatentable over Ferriter and Ensel as applied to claims 40, 50, and 62, and further in view of U.S. Patent No. 5,765,138 to Aycock et al (Aycock). The Applicants traverse the outstanding rejections and respectfully submit that the instant application is in condition for allowance for at least the reasons presented herein.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing a *prima facie* case of obviousness. *In re Fine*, U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). The Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art; that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references; and that the proposed modification of the prior art must have had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Applicants' claims 40 and 62 recite, respectively, a method and storage medium for facilitating parts qualification functions in a communications network environment comprising creating a commodity template for a commodity associated with a supplier part comprising

entering requirements data for qualifying the commodity; and selecting at least one database in a part qualification repository for storing the requirements data, wherein the part qualification repository comprises a parts database, a technology survey database, a quality information network database, an archives database, and a system testing database. Applicants' claims 40 and 62 also recite assigning a default viewing tool for qualifying the commodity based upon the database selected and establishing access restrictions for restricting and authorizing viewing and editing capabilities associated with the commodity template, wherein the requirements data stored in the databases are shared among the databases.

Ferriter does not recite these features. Specifically, Ferriter does not recite creating a commodity template for a commodity associated with a supplier part comprising entering requirements data for qualifying the commodity. Rather Ferriter recites a top-down design approach wherein a sketch sheet is used to design a product in which a user keys in part descriptions (col. 2, lines 34-37). The system "automatically draws a hierarchical tree structure" using the descriptive information (col. 2, lines 37-38, FIG. 2). The descriptive information entered by the designer includes a product name, its major components (individually entered by the user), followed by entering subcomponents (col. 4, lines 11-43). The system "decomposes the product structure into a parts list 18, and quantity of each part as well as cost per part are pulled from the manufacturing information table in the relational database associated with each item. The cost estimating function then multiplies each part on the list by quantity of that part, then by cost of that part. The results for the parts list are added. The labor estimate is multiplied by the standard hourly labor and burden rate. The results of the parts list multiplication and the labor multiplication are added, and the result is output to the user" (col. 5, lines 1-11). Thus, the Ferriter reference teaches a design tool that extracts pricing and manufacturing information

YOR920000560US1
127-0005

3

associated with components of a design created by a user which gives the designer a way to anticipate costs and time factors associated with a product's manufacture. Ferriter does not teach or recite qualifying parts.

Furthermore, Ferriter does not teach or suggest a part qualification repository comprising a parts database as suggested by the Examiner. The database (10) recited in the Ferriter reference is a relational database that captures the product structure entered by the user in a table (col. 4, lines 13-15). Moreover, the parts database of the Applicants' claims 40 and 62 receives *information from a commercial parts database* (emphasis added). Thus, even if the parts database of the Applicants' claims 40 and 62 could be considered equal to the database (10) of the Ferriter reference, nowhere in the Ferriter reference does it teach or suggest "receiving information from a commercial parts database." In addition, the part qualification repository of the Applicants' claims 40 and 62 recite a technology survey database, a quality information network database, an archives database, and a system testing database. None of these features are recited in the Ferriter reference. As Ferriter does not teach or recite qualifying parts, neither the requirements data nor the databases recited in the Applicants' claims 40 and 62, which are used to qualify parts, are not taught or suggested by Ferriter.

The Examiner suggests that it would have been obvious to one of ordinary skill in the art to include a technology survey database, a quality information network database, an archives database, and a system testing database with the design tool of the Ferriter reference as they 'would be logical repositories for such information.' The Applicants respectfully disagree. The Examiner has taken Official Notice that such elements are common and well known in the art. The Applicant respectfully disagrees and submits that the Examiner's use of Official Notice in this circumstance is improper. MPEP § 2144.03 defines when it is proper to use Official Notice.

YOR920000560US1   4
127-0005

In particular, the MPEP states "Official notice unsupported by documentary evidence should only be taken by the examiner where the facts asserted to be well-known, or to be common knowledge in the art are capable of instant and unquestionable demonstration as being well-known." The MPEP also states "It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known." The MPEP gives as an example specific knowledge of the art. In this case, the limitations of a part qualification repository comprising a technology survey database, a quality information network database, an archives database, and a system testing database for use in qualifying parts in a communications network environment are not capable of instant and unquestionable demonstration as being well-known. Applicant asserts that it is improper to rely on Official Notice for the limitations recited in claims 40 and 62.

Also, Ferriter does not teach or suggest assigning a default viewing tool for qualifying the commodity based upon the database selected as indicated by the Examiner. FIGs. 2-4 of the Ferriter reference simply illustrate computer screen displays of hierarchical product structures designed by a user.

Neither Ferriter nor Ensel teach the step of sharing requirements information with multiple databases. The Ensel reference is directed to a billing and payment application. Customer bills and resulting payments are processed and managed using this billing and payment application. Applicants' claims 40 and 62 recite sharing 'requirements' data among databases for qualifying parts. Accordingly, the Applicants submit that the Ensel reference is misapplied to the instant claims.

Furthermore, neither Ferriter nor Ensel recite establishing access restrictions as

provided in Applicants' claims 40 and 62.

For at least the foregoing reasons, the Applicants submit that claims 40 and 62 are patentable over Ferriter in view of Ensel. Applicants' claim 50 recites a system for facilitating parts qualification activities in a communication network environment. The Applicants submit that claim 50 is patentable over Ferriter in view of Ensel for at least the reasons described above with respect to claims 40 and 62. Claims 41-49 depend from claim 40. Claims 51-61 depend from claim 50. Claims 63-71 depend from claim 62. For at least these reasons, the Applicants submit that claims 41-49, 51-61, and 63-71 are also in condition for allowance. Also for at least the reasons described above with respect to claims 40 and 62, the Applicants further submit that claims 41-44, 51-56, and 63-66 are patentable over Ferriter and Ensel as applied to claims 40, 50, and 62 and further in view of Aycock. The Applicants respectfully request reconsideration of the outstanding rejections.

In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, please charge them to Deposit Account 50-0510, maintained by Applicants' Assignee.

Respectfully submitted,

By: Marisa J. Dubuc
Marisa J. Dubuc
Registration No. 46,673
CANTOR COLBURN LLP
55 Griffin Road South
Bloomfield, CT 06002
Telephone (860) 286-2929
Facsimile (860) 286-0115
Customer No. 23413

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